

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANITA B. CARR,

Plaintiff,

v.

LIBERTY LIFE ASSURANCE
COMPANY, et al.,

Defendants.

NO. C05-3190 TEH

ORDER RE: CASE STATUS

On January 10, 2006, this Court granted the unopposed motion to dismiss brought by Defendants Providian Bancorp Services and Providian Financial Health Plan ("Providian Defendants"). As a result, Plaintiff Anita Carr's claims against the Providian Defendants shall now be resolved at binding arbitration.

However, Carr's claims against Defendant Liberty Life Assurance Company remain active in this case, and Liberty Life refuses to agree to binding arbitration. Nor does Liberty Life agree to stay this case pending arbitration of Carr's claims against the Providian Defendants. After reviewing the parties' joint status report, filed on February 1, 2006, the Court finds it appropriate to proceed as follows:

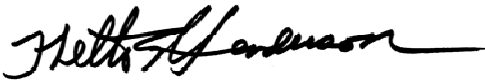
1. If Carr seeks to compel arbitration against Liberty Life, or to stay her claims against Liberty Life pending arbitration of her claims against the Providian Defendants, then she must file a regularly noticed motion seeking the requested relief.

2. If Carr files such a motion on or before **February 27, 2006**, then the March 6, 2006 case management conference shall be vacated.

1 3. If Carr does not file such a motion on or before **February 27, 2006**, then the
2 parties shall file a joint case management conference statement on that date, and the parties
3 shall also appear for the case management conference as scheduled on **March 6, 2006, at**
4 **1:30 PM.**

5
6 **IT IS SO ORDERED.**

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8 Dated: 02/02/06



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT